

SO TRUST IS UNLAWFUL

Court Says It Is a Combination in Restraint of Trade.

[By Associated Press.]
Washington, May 30.—The United States supreme court yesterday held the American Tobacco Company's so-called tobacco trust, to be a combination in restraint of trade in violation of sections 1 and 2 of the Sherman anti-trust law.

HISTORY OF LITIGATION.

American tobacco corporations made the target of the second "trust" prosecution of recent years first was the Standard Oil. Before the testimony taken in the tobacco case was not so extensive as in the Standard Oil, the two were before the supreme court consideration at the same time.

The attempt of the government to solve the tobacco corporation as violating the Sherman anti-trust law in shape in 1907. In that year a bill was filed in the United States circuit court at New York. The government asked that the American Tobacco Company, its officers, directors and affiliated corporations, be prevented and enjoined from restraining and monopolizing commerce in tobacco. The restraints and the monopolies alleged by the government were said to have been obtained by an intricate system of corporate organization. It began in 1890, when the first American Tobacco Company was organized. A new company took over the business of five independent cigarette concerns.

In 1898 the Continental Tobacco Company was incorporated to take over the plug tobacco business of the American Tobacco Company and that of five independent plug manufacturers.

In 1900 the American Snuff Company was incorporated to take over the snuff business of the American Tobacco Company, of the Continental Tobacco Company and of two other independent manufacturers.

In 1901 the American Cigar Company was incorporated to take over the business of the American Tobacco Company and other manufacturers and sellers of cigars, cheroots and stogies. In the same year the Consolidated Tobacco Company was incorporated to take over in exchange for its bonds substantially all the stock of the American Tobacco Company and the Continental Tobacco Company.

In 1903 the American Stogie Company was incorporated to take over the stogie business of the American Cigar Company, the American Tobacco Company and the Continental Tobacco Company.

In 1904 the American Tobacco Company, the Continental Tobacco Company and the Consolidated Tobacco Company were merged into the present American Tobacco Company.

The government claimed that all these organizations were created with the definite purpose to destroy competition and that they accomplished that purpose. Each step was attacked as a part of an unlawful plan, whose development and progress was advanced, it was charged, by duress, oppression and unfair methods intended to drive out and keep out competitors and secure monopolies.

The defendants claimed that nothing was to be found in the organization of these corporations but the orderly, natural and legitimate development of a great business. They said the acquisitions had been proper and that no intent to restrain trade or monopolize trade had prompted the creation of the corporations.

In addition, it was charged that the American Tobacco Company acquired control of the United Cigar Stores Company, which conducts retail stores in large cities, and thereby was seeking dominion in the retail business, an avenue absolutely necessary to effective competition.

The tobacco organization was charged with having a monopoly of the licorice paste, required in the manufacture of tobacco, the MacAndrews & Forbes Company, organized by the Continental having no competitor, it was said.

It was also said that the defendants had a monopoly in the tinfoil business, the Conley Foli Company, of which the American Tobacco Company held a majority of the stock, producing 75 per cent of the tinfoil manufactured in this country. Both the licorice and the foil monopolies were said to have been obtained in violation of the Sherman anti-trust law.

Another phase of the litigation concerned the foreign trade. The petition charged that the American Tobacco Company had entered into contracts with the Imperial Tobacco Company, the so-called "British Trust," whereby the latter should limit its activities to Great Britain except as to the purchase of a certain amount of leaf in America and the former should limit its business to the United States. It was alleged that the two "trusts" or-

ganized the British-American Tobacco Company to take over the export business of both and divide the world between them. These contracts were made in Great Britain.

The circuit court found that there existed a restraint of commerce, but said nothing about the charges of monopolizing. In its decree the court dismissed the petition as to the Imperial company and the British-American company, and from this feature of the decree the government appealed to the supreme court. It dismissed the petition as to the United Cigar Stores Company, and from this, too, the government appealed.

The circuit court decreed that the American Tobacco Company, the American Snuff Company, the American Cigar Company, the American Stogie Company and MacAndrews & Forbes Company were unlawful combinations, and restrained them from engaging in interstate or foreign commerce. From this the defendants appealed to the supreme court. So did the government. The government objected because the Conley Foli Company and the individual defendants, headed by James B. Duke, were not made parties to the conspiracy to restrain and because all were not held to be attempting to monopolize.

The circuit court decreed that the American Tobacco Company, the American Snuff Company, the American Cigar Company, P. Lorillard Company, R. J. Reynolds Tobacco Company, Blackwell's Durham Tobacco Company and the Conley Foli Company held shares in specified corporations and enjoined them from acquiring the plants or business or voting the shares of and from exercising control over the "subsidiary" companies, and enjoined the "subsidiary" companies from permitting control. Both the defendants and the government appealed. The latter objected principally because the Imperial Tobacco Company, the British-American Tobacco Company and the United Cigar Stores Company were not included among the "subsidiary" companies, and because the holding companies were not prohibited from collecting dividends from the "subsidiary" companies.

The appeals were argued before the supreme court, first in January, 1910, and the second time in January, 1911. Prominent attorneys appeared. For the government Attorney General Wickesham and his special assistant, J. C. McReynolds, addressed the court. For the American Tobacco Companies there appeared John G. Johnson, of Philadelphia; DeLancey Nicoll and Junius Parker, of New York, while William B. Hornblower, of New York, argued for the Imperial Tobacco Company, and Sol M. Stroock, of New York, for the United Cigar Stores Company.

FIRST GRADE EASTSIDE SCHOOL TO GIVE ENTERTAINMENT

Wednesday at 10 a. m. in the auditorium of the Eastside school the first grade, under Miss May Burtis, will give an entertainment. All parents, relatives and friends of the children are invited and expected to be present, and, in addition, a cordial invitation is extended to the public.

Those who have attended the entertainments prepared by Miss Burtis know how delightful they are and what a pleasant time can be looked for.

Those children have only been in school this one year, and yet what they can do is something you will scarcely believe till you see it. Come and see.

Bryan has had the circus, the tent show, the opera, the picnic, and various graduating exercises, but none of these can be compared to what those little tots trained by Miss Burtis will put on the stage at 10 o'clock Wednesday morning.

No attempt will be made to state in advance what it will be like. Any description would fall short. Neither can anyone tell you about it after it is over. Your only chance is to come and see. Do not miss it.

Well, yes. You heard the children downtown, you say, but that was under other circumstances and under other people. Now you want to see what the school can do with children, and if our teachers are really trained for the work. Your time to find out is Wednesday at 10 a. m.

W. C. LAWSON,

Superintendent City Schools.

LADIES!

Why cook over a hot stove this summer when you can have a gas stove that is absolutely safe and costs you less than any stove in the world. No wood, no wood chopper, but a fire in one minute. Phone me today and let me submit my proposition of the F. P. gas plant and stove.

HOWARD R. CAVITT,

The Gas Man.

Miss Geraldine Kelly solicits music pupils for the summer and following school year. Telephone No. 18.

The Peculiar Sand Fly.

The sand fly is perfectly harmless. It does not bite. It has no sting. It cannot even eat. All it can do is to fly about for a few hours, enjoy the light of day or the glare of an electric lamp. The sand fly is known to scientists familiarly as the May fly. In scientific terms it is called ephemera. This name is taken from the Greek word ephemeros, which means lasting only for a day. To the scientists the sand fly is one of the most interesting and beautiful of insects. The fly lives but a day at most, but before it sees the light it has lived from one to three years under the water in the form of what the scientists call a nymph. The nymph can both walk and swim. As it grows it molts, and after about the ninth molt tiny wings appear on its thorax. These grow larger until the insect comes forth from the water a sand fly. It then has but one duty—to lay its eggs. This done, the sand fly zigzags through the air until its brief life is ended.

Not in That Class.

A Cleveland young woman has a ten-year-old brother who is wise beyond his years and is likely to crop out in new places at the most unexpected times. The other night the anxious suitor called on his innamorata, arriving at her domicile a little before he was expected. She was not ready to make her appearance, and the duty of entertaining the caller devolved upon the little brother.

"Well, Bobby," began the young man in an effort to make conversation and at the same time to put his involuntary host at his ease. "Does your sister think that I am calling at this house oftener than I am welcome?"

The child looked keenly at the caller.

"Nothing doing," he said. "Do you think I'm one of these fresh kids you read about in the funny papers? There ain't going to be no embarrassing answer this time."—Cleveland Plain Dealer.

The Missionary a Puzzle.

To the untutored Chinaman the presence of the missionary is a puzzle. They simply cannot imagine human beings exiling themselves from their native land for the love of men on the other side of the globe. So they frame sundry theories to explain the thing to themselves. One theory is that the missionaries are secret political agents bent on gaining an influence over the Chinese and then swaying them to the advantage of their respective governments. Only of late have the natives come to realize that the strangers are not sent by their governments, but by religious groups. According to another theory, China is so excellent and renowned that the red haired barbarians come to live there for the mere pleasure of it. As for their self denying works of benevolence, these are supposed to be prompted by the desire to acquire merit.—Century.

Force Yourself to Be Well.

"Plant your feet firmly and squarely on the ground, throw back your shoulders, fold your arms and affirm in most emphatic terms that you are strong, healthy and well. Do this for a few minutes every evening, and, even if this is not how you actually feel, maintain by your physical and mental attitude that it is your condition, and you will soon find that it becomes so and that you are not really telling lies." This was the advice given by Dr. J. Stenson Hooker in a lecture on "Posturing and Posing for Health" at the simple life conference and exhibition in London. "It is wonderful to what extent our state of health can be altered in this way," Dr. Hooker added. "It stirs up the currents of feeling which act on the nerves. These act on the blood vessels, and thus the whole system is improved, and we become different beings."

He Was Well Off.

H. Clay Calhoun, testifying in an assault case, spoke of one Washington White as "well off."

"Now, witness," said the cross examining lawyer, "when you declare White to be well off, what do you mean? Is he worth \$10,000?"

"No, sah. Oh, no, sah," said Calhoun. "Is he worth \$5,000?"

"No, sah. Mah, gracious, no!"

"Is he worth \$1,000?"

"No, sah; he ain't wurf 17 cents."

"Then how is he well off?"

"Bekase, sah, his wife am an A. No. 1 washday and keeps de hull family in bangup style."—Exchange.

Couldn't Understand It.

"This stock," said the promoter, "is fully paid up and nonassessable."

"Well, if it's fully paid up," replied the man who was inexperienced in such matters, "I can't see why you want me to put money into it. Would not that be unfair to the people who paid it up?"—Chicago Record-Herald.

Coming.

"Have you any unanimity in your family, Mrs. Jobbs?"

"Not yet, ma'am, but we'll catch it. We get everything that's a-goin'!"—Philadelphia Bulletin.

Sensitive.

Garrulous Barber—As the sayin' goes, "There's always room at the top." Sensitive Customer—How dare you refer to my baldness!—Boston Transcript.

Even Tempered.

"Is your husband even tempered?"

"Yes," answered Mrs. Wurrtyd, "he's even tempered enough. He's just about as irritable one day as another."

Some people are so fond of ill luck that they run half way to meet it.—Jerrold.

A Terrifying Hat.

When the French artist Benjamin Constant was traveling in Morocco he was invited by the sultan to present himself at court at Fez. The painter's first thought was in regard to his costume. "Court" in Europe was one thing; in Morocco it was likely to prove something different. There was nothing to do, however, but to wear his ordinary evening clothes. He was ignorant of the fact that the Moors look upon black garments as very vulgar, and it was only after his arrival that he learned his mistake. The courtiers smiled openly; worst of all, they sneered. The painter was a man of hasty temper, and suddenly, nettled by their insolence, he closed his opera hat and sprang it open in the faces of the jeering crowd. They scattered, yelling with surprise and fear. The sultan heard the noise and demanded the cause. After he had seen and examined the wonderful hat he gave this oracular opinion:

"If I had lived a hundred years in your country and adopted all your other customs I could never have brought myself to set on my head so hideous a contrivance as that!"

Painfully Explicit.

The proprietor of a certain hotel in Europe has posted up the following warning to his clients:

"Gentlemen who come in this hotel not say anything about their meals they will be charged for, and if they should say beforehand that they are going out to breakfast or dinner, and if they say that they not have anything to eat they will be charged, or unless they bring it to the notice of the manager, and should they want not to say anything, they must order the manager for, and not any one else, and unless they not bring it to the notice of the manager, they will be charged for the least things not, according to hotel rate. And no fuss will be allowed afterward about it, and nothing will be allowed to deduct anything out of it."

After this explicit information there surely could be no excuse for misunderstanding.—Boston Globe.

Surprising the Bullock.

In times of crisis and worry a kind word has been known to have surprisingly good results. The unexpectedness of such a word is perhaps the secret of its force. A late book, "On the Wool Track," backs the moral with an anecdote.

A team was working on the Broken Hill road, and a bullock—the Beelzebub of the team—had gone obstinate, and the coach was passing. The whip was swinging, and some apt remarks were just forming on the back of the teamster's tongue when he caught sight of a clerical hat on the front seat and just in time thought better of it. He coughed politely.

"Ahem—Strawberry," he said, "proceed!"

To his obvious astonishment Strawberry proceeded.

The Indian's Vision.

More or less wonderful accounts have from time to time been given of the powers of vision possessed by savage races. In a British anthropological expedition to the Torres Strait the vision of the natives was carefully studied from these tests the conclusion was reached that the excellence of vision shown by the savages has a psychological origin—that is to say, it arises from knowing what to look for. When the civilized man acquires familiarity with the environment he can see as far as they can. Thus the power of an Indian to tell the sex of a deer at such a distance that distinguishing features like antlers were invisible was found to rest upon his knowledge of the peculiar gait of the male deer.—Scientific American.

Wondrous Tact.

As an example of gracefulness and tact Matthew White tells in Munsey's Magazine of a London clergyman who was called on to address an audience of actors. Alluding to the better social status of the players, the clergyman said that in former days it was sometimes customary to brand them as vagabonds and bore a hole in their ears with an awl, that the citizens might thus be forewarned. "And who knows," the clergyman added, "but that it is a survival of an endeavor to hide this mark of indignity that causes some of the actors even today to wear their hair long?"

Bottles and Rags.

"Bottles and rags, bottles and rags!" called out a rag and bone man as he piled his calling.

"Why do you always put these words together?" asked a passerby.

"Because, madam," replied the man, courteously touching his hat, "wherever you find bottles you find rags!"—London Family Herald.

A Shellfish Thought.

"Funny, isn't it?"

"That what?"

"That when a fellow's affairs have reached the blue point he never declares that the world is his oyster?"—Judge.

The Ruthless Razor.

Lady Customer in furniture shop—What has become of those lovely sideboards you had when I was last here? Salesman (smirking)—I shaved 'em off, madam.

Sympathy.

Cora—Have you seen my new photographs, dear? Every one says they look exactly like me. Dora—What a shame! Can't you get another sitting?

Chiefly the mold of a man's fortune is in his own hands.—Bacon.



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Here's an individual among drinks—a beverage that fairly snaps with delicious goodness and refreshing wholesomeness.

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has more to it than mere wetness and sweetness—it's vigorous, full of life. You'll enjoy it from the first sip to the last drop and afterwards.

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American and German Firemen.

A Hamburg fireman of distinction who had occasion to visit the United States some years ago returned full of admiration for the splendid way in which American fire companies usually respond to alarms and was of the opinion that the American companies were ready for action more promptly than those in Germany, because the individual units subordinated everything else to the point of leaving quarters at the earliest possible instant, to do which the American fireman at night would slide down the pole partially clad and was indifferent as to his appearance in riding to the scene of the fire so long as he was on the spot to meet the emergency. The European fireman, on the other hand, having had military training, would be inclined to avoid the pole and would walk down the stairs, devoting a few seconds to the adjustment of his garments, and would be prepared to start only when ready to appear before the public in regulation costume.—Consular Reports.

Not Misplaced.

Backer—You got trimmed bad. I thought you said you were confident of the result. Puglist—I was. I knew I'd get licked!—Pack.

As Usual.

"So your Shakespeare club is a great success?"

"Yes. We have accumulated enough fines for nonattendance to take us all to a musical comedy."—Washington Herald.

Naturally.

A girl feels flattered when told she looks well in anything, but a wife thinks such a compliment only a plot to get her to wear old clothes.

W. T. YOUNG,

Attorney-at-Law.

Special Attention Paid to Probate Business

RAILROAD SCHEDULES.

Houston & Texas Central.

No. 3, northbound.....	12:37 p. m.
No. 9, northbound.....	2:19 p. m.
No. 17, northbound.....	2:19 a. m.
No. 2, southbound.....	2:45 p. m.
No. 10, southbound.....	3:45 p. m.
No. 5, northbound.....	1:02 a. m.
No. 6, southbound.....	2:52 a. m.
No. 18, southbound.....	4:30 a. m.

International & Great Northern.
No. 14, northbound..... 1:44 p. m.
No. 15, southbound..... 4:30 p. m.

Baron Hal 2.07 3/4 THE CHAMPION OF TEXAS

Breed to a Winner and a Champion, from a family of champions. Baron Hal 2.07 3/4 by Baron D. 2.10. A full brother to Bumps, 2:03 3/4; also a full brother to Moko, the sire of Native Bell, 2:07 3/4 champion 2-year-old of the world; also sire of the dam of "The Harvester," 2:01, champion stallion of the world.

Baron Hal's dam, Sue Hal by Star Hal and he by Brown Hal, 2:12 3/4; the champion stallion of the world of his day. Brown Hal, 2:12 3/4, sire of "Star Pointer," 1:59 1/4, ex-champion of the world. HOW CAN YOU BEAT IT?

Like begets like, so it's no accident that Baron Hal is the champion of Texas. His blood lines have produced more champions than all others put together.

Terms \$20.00 season; \$30.00 with Return Privilege or Money Refunded if mare proves not with foal.

See M. C. BOSTICK at Hunnicut's stable or address J. W. DYER, Bryan, Texas.

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Makes the husband's heart glad. There is nothing that will make her smile quicker than an elegant piece of FURNITURE. A new BED-ROOM SUITE, new DINING TABLE, new MATTING, Etc. I have a large and complete line. Let me show them to you.

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LOWNEY'S CANDIES

Nut Milk Chocolates.....	05	Chocolate Assorted Nuts.....	10
Cream Cakes.....	08	Chocolate Ice Cream Drops.....	10
U-All-No Dinner Mints.....	10	Chocolate Assorted Creams, 1-2 lb.....	40
Chocolate Peppermints.....	10	Milk Chocolate Creams, 1-2 lb.....	40
Fig Confection.....	10	Chocolate Assorted Nuts, 1-2 lb.....	75
Philadelphia Caramels.....	10	Chocolates and Bonbons, 1 lb.....	75
Chocolate Almonds.....	10	Chocolate Bonbons, 2 lb.....	\$1.50

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